

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**GENERAL ORDER CONCERNING ADEQUATE
PROTECTION PAYMENTS IN CHAPTER 13 CASES**

FILED
OCT 13 2005
GRANT PRICE
CLERK, U.S. BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA
BY: _____ DEPUTY

The provisions contained in this Order shall be applicable to all Chapter 13 cases filed on or after October 17, 2005.

The Court has specifically determined the adequate protection payments provided for in 11 U.S.C. §1326(a) shall be paid through the Chapter 13 Trustee in accordance with the following procedures:

1. Adequate protection payments shall not be paid with regard to real property unless an order is entered by the Court providing for such payments after the filing of a motion for such protection.
2. Adequate protection payments shall be paid through the Trustee, not directly to the creditor by the debtor. The Trustee will be allowed to collect a fee on adequate protection payments paid through the Trustee. Such fee shall be in an amount equal to the Trustee's statutory percentage fee.
3. If a secured debt which extends beyond the term of the plan is proposed to be paid outside the plan through the maintenance of regular ongoing payments, the direct payments paid outside the plan shall constitute adequate protection payments to that creditor, and no amount will be paid to that creditor by the Trustee on account of that debt.
4. Adequate protection payments will be held by the Trustee pending confirmation, dismissal or conversion, and will be paid as soon as practicable following any of the prior events.

5. In dismissed or converted cases, adequate protection payments shall be paid prior to the payment of outstanding attorney fees. If there are insufficient funds on hand to pay all adequate adequate protection payments due to creditors as well as the fee to the Trustee, the Trustee will reduce the distribution to each creditor on a pro-rata basis.
6. Adequate protection payments shall be in the amount specifically identified in the plan as the monthly adequate protection amount. If a monthly adequate protection payment amount is not specifically stated, but a monthly payment to be paid to the creditor is stated, such amount shall constitute the monthly adequate protection payment amount. If no amount is stated as a monthly adequate protection amount or as a monthly payment to the creditor, the adequate protection amount shall be the amount available based on a pro-rata distribution to be determined by the Trustee. Any order of the Court setting an adequate protection payment shall control when such amount is not in conformity with the amount proposed in the plan.
7. Adequate protection payments in dismissed and converted cases shall not be paid to any creditor that has not filed a proof of claim, with proper verification of security attached or provided, within 5 days of the filing of any order of dismissal, notice of conversion or order of conversion. Additionally, no payment shall be made to a creditor in a confirmed case until the creditor has filed a proper proof of claim.
8. If a Chapter 13 plan is amended to provide for the surrender of collateral that was to be paid through the plan under an earlier plan, adequate protection payments shall be paid only through the month in which the amended plan is filed. If the plan is confirmed, the confirmation order shall provide for the payment of the adequate protection amount due through and including the month in which the surrender was proposed.

9. Debtor(s) shall maintain insurance on all property serving as collateral for a debt or forming the basis of any liquidation value, and shall provide proof of such insurance upon request by any interested party.

Dated this 13 day of October, 2005.



JUDGE NILES JACKSON
UNITED STATES BANKRUPTCY JUDGE